

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 19816 of 2007(H)  
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PETITIONER:  
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ANITHA P.P., D/O.KRISHNAN,  
INSTRUCTRESS, T.G.M.T.CENTRE, DHARMADAM,  
KANNUR DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS:  
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1. STATE OF KERALA REPRESENTED BY SECRETARY  
HIGHER EDUCATION DEPARTMENT, GOVT.SECRETARIAT,  
THIRUVANANTHAPURAM.
2. SENIOR JOINT DIRECTOR OF TECHNICAL  
EDUCATION, (E.C.S), DIRECTORATE OF TECHNICAL  
EDUCATION, THIRUVANANTHAPURAM.
3. SUPERINTENDENT, TECHNICAL HIGH SCHOOL,  
KANNUR.
4. SMT.MANCHARI.K., INSTRUCTRESS,  
T.G.M.T. CENTRE, THALANGARA, KASARAGOD DISTRICT.
5. SMT.SHYLAJA VADAVATHI, TRADE ILNSTRUCTOR  
T.G.M.T. CENTRE, DHARMADAM, KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH  
GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 26/07/2007, ALONG WITH WPC NO. 16476 OF 2007 THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the relevant pages of SSLC Book issued to the petitioner.

Ext.P2: True copy of the relevant pages of SSLC book of the petitioner's husband.

Ext.P3: True copy of the marriage certificate dated intercaste 27.6.2007.

Ext.P4: True copy of the order dated 20.6.2007 issued by the 2<sup>nd</sup> respondent.

Ext.P5: True copy of the guidelines for transfer of Government employees contained on G.O.(P)No.15/89/P&ARD dated 22.5.1989.

Ext.P6: True copy of the representation dated 25.6.2007 filed by the petitioner before the 2<sup>nd</sup> respondent.

RESPONDENT'S EXHIBITS:

Ext.R4(a): True photocopy of the G.O.(P) No.13/00 dated 27.4.2000.

Ext.R4(b): True photocopy of the G.O.(P)No.4/2002 P&ARD dated 29.1.2002.

// True copy //

P.A. To Judge  
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**A.K.BASHEER, J.**

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W.P.(C)No.16476 & 19816 OF 2007  
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Dated this the 26<sup>th</sup> day of July, 2007

**JUDGMENT**

Having heard learned counsel for the parties and having perused the materials available on record, I am satisfied that these two writ petitions can be disposed of without considering the merit of the rival contentions raised by the parties.

2. It is on record that petitioner in W.P.(C)No.16476/07 has been working in the Tailoring and Garment Making Centre at Dharmadom for the last 17 years while petitioner in W.P.(C) No.19816/07 has been working in the same centre for the last 22 years.

3. When W.P.(C)No.16476/07 was moved by the petitioner, challenging her transfer from Dharmadom to Thalankara in Kasargod, an interim direction was issued to respondent no.2 to consider Ext.P3 representation submitted by her and take a decision thereon expeditiously. Accordingly, respondent no.2 passed Ext.P4 order which is produced in W.P. (C)19816/07. By the said order, petitioner in W.P.(C)

W.P.(C)No.16476 & 19816 OF 2007

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No.19816/07 was ordered to be transferred from Dharmadom to Thalankara. This was done in order to accommodate the petitioner in W.P.(C)16476/07 at Dharmadom. That is how W.P.(C)No.19816/07 has been filed challenging Ext.P4 order passed by the second respondent. Yet another fall out of the order passed by respondent no.2 is that respondent no.4 in W.P.(C) No.16476/07 who had been transferred from Kasaragod to Dharmadom may face a threat of displacement, if both the petitioners are allowed to continue at Dharmadom. Anyhow, her transfer is also challenged by the petitioner in W.P.(C) No.16476/07. In short, the issue has become a little more complex after issuance of Ext.P4 order.

4. Admittedly, petitioner in W.P.(C)No.19816/07 and respondent no.4 in W.P.(C)No.16476/07 were not heard at the time when Ext.P4 order was passed. Petitioners in the two writ petitions have raised a common contention that respondent no.4 can be accommodated against the post of Junior Instructor at Dharmadom itself without disturbing them. In my view it is a

matter to be considered by respondent no.2. Therefore, Ext.P4 order passed by respondent no.2 in W.P.(C)No.19816/07 is quashed.

5. Respondent no.2 shall take a fresh decision in the matter after affording opportunity to the petitioners, respondent no.4 and any other candidate who is likely to be affected by any order that may be passed. This shall be done as expeditiously as possible, at any rate, within two weeks from the date of receipt of a copy of this judgment. It is made clear that it will be open to respondent no.2 to take a decision in the matter in the light of the rules and regulations governing in the matter of transfer and appointments in the department.

Writ petitions are disposed of as above.

**A.K.BASHEER, JUDGE**

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